

### 3. PRIMARY REGULATIONS, PROCEDURES, GUIDANCE AND OTHER NEPA TOOLS

Federal regulations, requirements, Executive Orders, and guidance applicable to the successful implementation of NEPA's procedural provisions are provided in DOE's August 1998 National Environmental Policy Act Compliance Guide, Volume I (see section 3.3 below). Volume II of the DOE NEPA Compliance Guide contains the Department's implementing regulations and related internal requirements, guidance documents, process improvement studies, and other helpful reference materials. The DOE NEPA Compliance guides are not static in nature and new CEQ guidance, and Executive Orders can be found on the CEQ NEPA net at: (<http://ceq.eh.doe.gov/nepa/nepanet.htm>) and

DOE guidance and lessons learned can be found on the DOE NEPA Web (<http://tis.eh.doe.gov/nepa>). The Office of Science will use these tools containing NEPA references as the standards to be used in the preparation, review and approval of EISs that meet the Department's expectations for quality, completeness, and adequacy. This QA Plan describes how these tools will be used and how their use will be managed.

SC will incorporate by example and reference SC's lessons learned from experiences gained during the NEPA process for recent EISs. These lessons learned will supplement the DOE NEPA Compliance Guide with SC specific information.

For convenience, the primary Federal, Departmental, and Office of Science (formerly Office of Energy Research) references are listed below. Copies of these materials are available from the SC NCO. Additionally, most of these reference sources can be found on the DOE NEPA web site maintained by the DOE Office of Environment, Safety and Health (EH) and on the SC NEPA web site:

DOE NEPA Web - <http://www.eh.doe.gov/nepa>

SC NEPA Web Site - <http://www.sc.doe.gov/SC-80/SC-83/nepacomp.htm>

### 3.1 Federal Regulations and Guidance

- The National Environmental Policy Act of 1969, As Amended.
- 40 CFR 1500-1508, "Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act."
- Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 55 FR 18026.
- Council on Environmental Quality, "Considering Cumulative Effects Under the National Environmental Policy Act", January 1997.
- U.S. Environmental Protection Agency, "Consideration of Cumulative Impacts in EPA Review of NEPA Documents", EPA 315-R-99-002, May 1999.
- Council on Environmental Quality, "Environmental Justice: Guidance Under the National Environmental Policy Act", December 1997.
- U.S. Environmental Protection Agency, "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Activities", April 1998.
- 36 CFR 800, "Protection of Historic Properties; Recommended Approach for Consultation on Recovery of Significant Information From Archaeological Sites; Final Rule and Notice", Advisory Council on Historic Preservation, May 18, 1999 (64 FR 27044).

### 3.2 Executive Orders

- Executive Order 13212 - Actions To Expedite Energy-Related Projects (18 May 2001)
- Executive Order 13211 - Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (18 May 2001)
- Executive Order 13175 - Consultation and Coordination With Indian Tribal Governments (6 November 2000)
- Executive Order 13158 - Marine Protected Areas. (26 May 2000)
- Executive Order 13148 - Greening the Government Through Leadership in Environmental Management (21 April 2000)

- Executive Order 13149 - Greening the Government Through Federal Fleet and Transportation Efficiency (21 April 2000)
- Executive Order 13150 - Federal Workforce Transportation (21 April 2000)
- Executive Order 13141 - Environmental Review of Trade Agreements (16 November 1999)
- Executive Order 13134 - Developing and Promoting Biobased and Bioenergy (12 August 1999)
- Executive Order 13123 - Greening the Government Through Efficient Energy Management (4 June 1999)
- Executive Order 13112 - Invasive Species (3 February 1999)
- Executive Order 13101 - Greening the Government through Waste Prevention, Recycling, and Federal Acquisition (14 September 1998)
- Executive Order 13089 - Coral Reef Protection (11 June 1998)
- Executive Order 13057 - Federal Actions in the Lake Tahoe Region (26 July 1997)
- Executive Order 13045 - Protection of Children from Environmental Health Risks and Safety Risks (21 April 1997)
- Executive Order 13006 - Locating Federal Facilities on Historic Properties in our Nation's Central Cities (21 May 1996)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (11 February 1994)
- Executive Order 12902 - Energy Efficiency and Water Conservation at Federal Facilities (8 March 1994)
- Executive Order 12889 - Implementation of the North American Free Trade Agreement (28 December 1993)
- Executive Order 12843 - Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances (21 April 1993)
- Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (4 January 1979)

- Executive Order 12088, Federal Compliance with Pollution Control Standards (13 October 1978)
- Executive Order 11514, Protection and Enhancement of Environmental Quality (3/1970) as amended by Executive Order 11911 (24 May 1977)
- Executive Order 11988, Floodplain Management (24 May 1977)
- Executive Order 11990, Protection of Wetlands (24 May 1977)

### 3.3 Department of Energy

- 10 CFR 1021, "Department of Energy National Environmental Policy Act Implementing Procedures and Guidelines."
- 10 CFR 1022, "Department of Energy Compliance with Floodplain/Wetlands Environmental Review Requirements."
- "Secretarial Policy Statement on the National Environmental Policy Act," Office of the Secretary, June 13, 1994.
- DOE Order 451.1B Chng 1, "National Environmental Policy Act Compliance Program."
- DOE Order 481.1, "Non-Department of Energy Funded Work (Work for Others)."
- DOE Order, 430.1 "Life Cycle Asset Management"
- DOE Order 5700.6C, "Quality Assurance."
- "Quality Assurance Program: A Total Management System, Office of Nuclear Safety Policy and Standards, May 1992. [Contains DOE Order 5700.6C, along with explanatory guidance]

### 3.3 DOE Office of Environment, Safety and Health

- Mini-guidance Articles from Lessons Learned Quarterly Reports (November, 2000)
- Clean Air Act General Conformity Requirements and the NEPA Process (April, 2000)

### **NEPA Compliance Guide**

- Memorandum from the Assistant Secretary for Environment, Safety and Health: "Volumes I and II of the Department of Energy National Policy Act Compliance Guide," (August 24, 1998)

- NEPA Compliance Guide Volume I (August 1998)

Part I. The Law and Council on Environmental Quality (CEQ) Regulations

Part II. Executive Orders Concerning Environmental Matters (Selection)

Part III. CEQ Guidance Documents (Selection)

Part IV. Policies from Other Federal Agencies (Selection)

- NEPA Compliance Guide Volume II (August 1998)

Part I. Regulations, Policy and Orders

Part II. Preparation of NEPA Documents

Part III. Site-wide NEPA Reviews

Part IV. Public Participation

Part V. NEPA Process Improvement

Part VI. Other Department of Energy NEPA References

### **Document Preparation**

- Environmental Impact Statement Summary Guidance (September 1998)
- Recommendations for the Preparations of EAs and EISs (May 1993)
- Environmental Impact Statement Checklist (November 1997)
- Glossary of Terms Used in DOE NEPA Documents (September 1998)
- CEQ's Environmental Justice Guidance (December 1997)
- CEQ's Cumulative Effects Guidance (January 1997)

### **Contracting**

- A Brief Guide: Department of Energy-wide Contracts for NEPA Documentation (August 1998)
- NEPA Contracting Reform Guidance (December 1996)

## **Public Participation**

- Effective Public Participation under the National Environmental Policy Act, Second Edition (August 1998)
- Stakeholders Directory 15<sup>th</sup> Edition (January 2001)

## **ES&H Electronic Publishing Guidance**

- NEPA Document Electronic Publishing Standards and Guidelines (October 1998)
- DOE NEPA Document Certification and Transmittal Form (October 1998)

## **Other**

- National Partnership for Reinventing Government (NPR) - Plain Language Action Network
- Environmental Law & Related Documents from [IULaw](#)

### **3.4 DOE Office of Science**

- Annotated Bibliography of the Office of Science Environmental Assessments (EA) and Environmental Impact Statements (EIS) Completed Since Secretary of Energy Notice (SEN) 15-90, ER NCO Communication 92-07, Revision 4, June 2000.
- Office of Science, Quality Assurance Plan for Environmental Assessments, ER NCO Communication 94-04, Revision 1, July 2000.

## 4. ORGANIZATIONAL ROLES AND RESPONSIBILITIES

The organizational placement of the Office of Science (SC) within the Department and the organizational structure of SC is shown in Appendix A. SC is an integral part of the Department's Energy, Science and Environment program reporting to the Under Secretary. Within SC, the Office of Laboratory Operations and Environment, Safety and Health (SC-80) coordinates infrastructure, ES&H, and construction management activities within the SC science programs and between the field, laboratories, DOE HQ, and other agencies. The ES&H Division (SC-83) is the central focal point for ES&H matters, including NEPA, within SC-80 and SC HQ.

### 4.1 Director of the Office of Science (SC-1)

DOE Order 451.1B stipulates the responsibilities of secretarial officers for implementing NEPA's procedural provisions. SC-1 is responsible for ensuring the preparation of an environmental impact statement or SC Proposals and forwarding it to the Assistant Secretary for Environment, Safety and Health for approval. In addition to meeting requirements established in the Regulations, responsibilities include the items below

- Submitting a notice of intent to prepare an environmental impact statement to the Assistant Secretary for Environment, Safety and Health for issuance.
- Issuing a record of decision for an environmental impact statement, after obtaining the concurrence of the Assistant Secretary for Environment, Safety and Health in its environmental content and ensuring that DOE counsel concurs in its legal adequacy.
- Preparing any mitigation action plan required under the DOE Regulations before taking an action that is the subject of a mitigation commitment made in a record of decision.
- Tracking and annually reporting progress made in implementing, and the effectiveness of, any mitigation commitment made in a record of decision.